

City Council Introduction: Monday, June 7, 2004  
**Joint Public Hearing of the Lincoln City Council  
and Lancaster County Board of Commissioners:**  
**Tuesday, June 15, 2004, 4:00 p.m.**

Bill No. 04R-134

## **FACTSHEET**

**TITLE:** COMPREHENSIVE PLAN AMENDMENT NO. 04011, by the Director of Planning, at the request of Peter Katt for Prairie Homes, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan and the "Southeast Lincoln/Highway 2 Subarea Plan" to change approximately 10 acres from Urban Residential to Commercial; and to change approximately 60 acres from Low Density Residential to Urban Residential, generally located on the south side of Highway 2, from 75<sup>th</sup> Street to 84<sup>th</sup> Street, north of Amber Hill Road.

**STAFF RECOMMENDATION:** Denial of the change from Urban Residential to Commercial; **approval** of the change from Low Density Residential to Urban Residential; and **approval** of the Planning Department proposed amendments to the Comprehensive Plan and Southeast Lincoln/Highway 2 Subarea Plan.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 05/19/04  
Administrative Action: 05/19/04

**RECOMMENDATION:** **Approval of the staff recommendation** (6-0: Carlson Marvin, Taylor, Carroll, Krieser and Bills-Strand voting 'yes'; Larson, Sunderman and Pearson absent).

### **FINDINGS OF FACT:**

1. The staff recommendation as set forth above is based upon the "Status/Description", "Comprehensive Plan Implications" and "Conclusion" as set forth on p.2-7, finding that the request for a change from Urban Residential to Commercial use is not in conformance with the goals of the Comprehensive Plan, and that the request for a change from Low Density Residential to Urban Residential use is in conformance with the goals of the Comprehensive Plan.
2. Comments submitted by other departments and agencies are found on p.22-29.
3. The minutes of the Planning Commission hearing and action are found on p.9-12. Testimony on behalf of the applicant is found on p.9-10, indicating that the applicant is in full support of the staff recommendation to deny the commercial designation and continue with the urban residential.
4. Testimony in opposition with concerns about the commercial designation, traffic issues and the requirement for curb and gutter is found on p.10-11. Written comments received from area property owners are found on p.30-35.
5. On May 19, 2004, the Planning Commission voted 6-0 to agree with the staff recommendation as set forth above.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** June 1, 2004

**REVIEWED BY:** \_\_\_\_\_

**DATE:** June 1, 2004

**REFERENCE NUMBER:** FS\CC\2004\CPA.04011

## 2004 COMPREHENSIVE PLAN ANNUAL REVIEW

Comprehensive Plan Amendment No. 04011

April 28, 2004

### S. 84<sup>th</sup> & Highway 2 (Southwest Corner): Urban Residential and Commercial

Applicant	Location	Proposal
Peter Katt on behalf of Prairie Homes (Trustis Inc.)	South side of Highway 2, from 75 <sup>th</sup> Street to 84 <sup>th</sup> Street, north of Boone Trail and Amber Hill Road.	See Below:
<b>Recommendation:</b> Change from Urban Residential to Commercial: <b>Denial</b> Change from Low Density Residential to Urban Residential: <b>Approval</b> Planning Department amendments to the Comprehensive Plan and Southeast Lincoln/ Highway 2 Subarea Plan: <b>Approval</b>		

#### Status/Description

The application in February 2004 proposed a change in land use for approximately 70 acres owned by Saint Elizabeth's, but optioned to Trustis Inc, (Prairie Homes). The original application also extended into the surrounding acreage subdivision. After further discussion with residents in the adjacent subdivisions, the applicant agreed to revise the land use proposal to eliminate the extended area. The revised application dated April 16, 2004, shown in **Exhibit A** proposes the following:

- 1) Change approximately 10 acres from Urban Residential to Commercial use designation on the eastern side of the property adjacent to 84<sup>th</sup> Street;
- 2) Change approximately 60 acres from Low Density Residential to Urban Residential use designation;

As a result of this application, the Planning Department proposes the following amendments:

- 3) Change approximately 60 acres from Low Density Residential to Urban Residential use designation, shown in **Exhibit B**; and
- 4) Amend the Comprehensive Plan and update the "Southeast Lincoln/ Highway 2 Subarea Plan".

Prairie Homes' proposal includes developing the Saint Elizabeth's 70 acre parcel with approximately 200 to 240 single-family homes and townhomes. The applicant has held several meetings with the surrounding residents to outline the proposed development, and seek support for the approval of the Comprehensive Plan amendment. These meetings have been well attended. Attached are letters regarding the proposal from the surrounding neighbors.

In 2001, the City Council and County Board adopted the "Southeast Lincoln/ Highway 2 Subarea Plan." At the time of approval, the land known as "**Saint E's Tract**" was undeveloped and shown as approximately 60 acres of Low Density Residential and 10 acres of Urban Residential land use. The Comprehensive Plan states on

page F 28, the following description for Low Density Residential land uses: *“Residential areas with densities ranging from 1 to 5 acres per dwelling unit, with a typical density of 3 acres per dwelling unit. Such residential developments are often referred to as acreages.”*

The surrounding properties are residential acreages, ranging in size from 3 to 5 acres per dwelling unit. These acreage subdivisions include Portsche Heights, Clarendon Hills and Amber Hill Estates. Each of these acreage subdivisions exhibit their own unique character through a mix of housing sizes, types and age. The character that combines these neighborhoods are large lots, gravel streets, rural ditches, and greater separation between homes.

In 2002, the City Council and County Board adopted the 2025 Lincoln/ Lancaster County Comprehensive Plan, along with new land use policy for acreage developments in the County. The Comprehensive Plan on page F 69 provide the following policy guidance; *“Lands previously designated in the Comprehensive Plan or zoned for low density residential development must be recognized.”* This policy, along with others in the Comprehensive Plan provides general guidance on where new acreage developments may be located in the County.

The Comprehensive Plan also states that property within Tier I – the City’s designated growth area over the 25-year planning period, should stay in its current use until future urbanization occurs. The Tier I growth area reflects the City’s Future Service Limit, where urban services and inclusion into the city limits are anticipated by 2025. The Saint E’s Tract is located in Tier I, and therefore is designated for near term development. The Comprehensive Plan section on Residential, page F 70 states the following policy regarding new acreages in the Tier I growth area:

*“New urban acreage development is not encouraged in the Plan Vision Tier I areas for Lincoln, except for areas already zoned, previously designated for acreages or under development, in order to provide areas for future urban growth and to minimize the impact on new acreage development. This will reduce the number of acreage homeowners who would be impacted by annexation in the future. Even though acreages can be designed with infrastructure to city standards, there is still an impact on acreage owners and their families during annexation in terms of changes in school district, the character of the surrounding area and financial implications. Impacts to the acreage homeowners and to the City of Lincoln can be avoided by locating acreages in areas outside of the Tier I areas.”*

The Comprehensive Plan states that new acreage developments should only be permitted in Tier II and III areas of Lincoln under a higher development standard based upon a “build-through” model. The Comprehensive Plan states that within Tier I, new acreage developments on land previously designated as Low Density Residential are allowed. However, the intent of this policy can be reasonably applied to the Tier I area, so that new acreages built on land shown as Low Density Residential, would also need to meet the build-through model.

The Build Through Acreage (BTA) standard has not yet been finalized and adopted, but their intent is shown on page F 70 of the Comprehensive Plan. These BTA developments would be designed in a manner so acreage subdivisions could easily accommodate higher density, by subdividing in phases and in an orderly fashion – from lower to higher densities.

The land uses adjacent to this square-mile have changed to greater intensity over the past 5 years. Located north of Highway 2, an office development is underway and Pine Lake Sanitary Improvement District was recently annexed by the City; and to the northeast the Heritage Lakes residential development and a large commercial center that includes Wal-Mart has opened. Future urban uses are planned to the west and south of Beals Slough. The Land Use Plan does not show any additional commercial uses along the Highway 2 corridor.

### Comprehensive Plan Implications

The Comprehensive Plan and Southeast Lincoln/ Highway 2 Subarea Plan (referred to as Subarea Plan) provides the following policy guidance for reviewing this amendment.

The Comprehensive Plan stresses that new developments utilize the existing capacity of the urban infrastructure system. This policy strives to maximize the investment made on behalf of the City and its residents, and to most efficiently utilize its scarce financial resources. The Public Works and Utilities Department report that the Saint E's Tract is located in Tier I and can be served by City utilities already located in the general vicinity of the property. The City's Wastewater Treatment Facility has available capacity to serve this development. Public Works and Utilities reports that it would be necessary to build infrastructure through parts of the existing acreage development in order to provide adequate service and fire protection to the Saint E's Tract. This policy is located in the section on Community Form, page F 17 and states the following:

*"Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods."*

This amendment is a change to the approved general land use shown in the Comprehensive Plan and Subarea Plan. The Comprehensive Plan stresses that over time some land uses will change, and may transition from less-intense to higher-intense uses. The Land Use Plan provides just one of many sources of policy guidance, when evaluating changes in land use designations. When evaluating changes in land use, it is necessary to balance the community's overall benefit with the impact on existing neighborhoods. In this regard, the entirety of the Comprehensive Plan and the approved Subarea Plan should be utilized to provide policy guidance in determining requests to change land use. The Comprehensive Plan section on Community Form, page F 27 states the following:

*"The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses."*

The Comprehensive Plan recognizes that adverse financial impacts may occur when new developments locate next to established neighborhoods. The policy included in the Comprehensive Plan states that new development should not cause a financial burden to surrounding residents, when they are not planning to develop at the same time.

The Comprehensive Plan section on Financial Resources, page 148 states the following:

*"Minimize Impact on Those Who Are Not Developing Land: As much as possible, property owners should only be assessed or pay the improvement costs at the time they seek approval of development proposals or building permits. Financing mechanisms should not impact property owners in an area under development who don't want to develop their land at that time. The community should grow in an orderly compact fashion and therefore infrastructure improvements should be made in a timely manner. Property owners need to be educated about the growth and infrastructure plans to reduce the elements of surprise and anger and to foster more informed personal planning decisions."*

### **Southeast Lincoln/ Highway 2 Subarea Plan Specifications**

The purpose of this Subarea Plan is to provide a vision for the desired future for this region and to serve as a guide for review of future development proposals. The Comprehensive Plan states that the purpose of subarea planning is to identify and address issues at a scale that is much more refined and responsive to local

needs than can be attained under the broader scope of the Comprehensive Plan. Still, some issues are better resolved at the time of submittal of a specific annexation, zoning or subdivision plans. The Subarea Plan identifies a number of related land use policies for the area included in this amendment. The Subarea Plan on page 9 states the following:

- ! ***“Retention of Low Density Residential Character:*** *the character of this area today is predominately low density residential. The Comprehensive Plan encourages preserving and respecting the character of the existing neighborhoods. The impact on existing areas should be a priority in all land use and transportation decisions in this area. The low density residential designation is kept on existing neighborhoods. In addition, the property on the southwest corner of 84th & Highway 2 should remain low density residential. It does not have a safe access point to either Highway 2 or 84th Street. This site is fully integrated into the land use and road pattern of the surrounding neighborhoods and due to the features of the site can be developed residentially.”*
- ! ***“Changes from Low Density to Urban Residential:*** *several vacant properties along Highway 2 are appropriate for urban residential. Development of residential is possible along Highway 2 and will retain the residential character of the area. Several of these properties have existing topography and trees which help screen the property from the highway while others may require additional screening.”*

The Subarea Plan on page 11 states the following:

- 5) *“On the southwest corner of 84th and Highway 2, property owned by St. Elizabeth’s has been designated as urban residential on the eastern portion. The western portion is designated as low density residential, which could be appropriate for development at a density of two dwelling units per acre if the adjacent road network were paved and urban utilities in place.”*

Land use decisions have a significant transportation impact. In the corridor from 48<sup>th</sup> to 98<sup>th</sup> Street along Highway 2 there is over 3.5 million square feet (including 1.9 million square feet at 84<sup>th</sup> to 91<sup>st</sup> Street along Highway 2) of existing or approved commercial space. This commercial space attracts a substantial amount of traffic. The Subarea Plan on page 35 states the following:

*“Traffic modeling makes it clear that developing **more than approximately 1.9 million SF** of commercial space at 84th and Highway 2 **would generate traffic volumes beyond the traffic capacity** of Highway 2 and 84th Street.”*  
*“All of these traffic numbers assume the south and east beltways being built. If the beltways were not built, significantly more traffic would be on Highway 2. The model also assumed that Highway 2 would keep its expressway characteristics of limited access points and traffic signals. Additional commercial access points and signals would diminish the traffic capacity of Highway 2.”*

The development of the Saint E’s Tract represents many challenges. The property is located within the Tier I growth area and is under pressure to develop at a greater intensity than currently designated in the Comprehensive Plan. Prairie Homes has proposed to build single-family homes next to existing single-family homes. These house sizes would be similar in size and type with the existing acreage homes, but on a smaller lot. The Prairie Homes proposal would be in keeping with the mix of house sizes in the surrounding area. The transition from smaller urban-sized lots to acreage lots would occur primarily at the rear of houses. Prairie Homes has proposed to build at less than the allowable density permitted. More detailed site planning would be required to blend the existing and proposed developments together to minimize the impact on the acreage neighborhood. Balancing the goals of the Comprehensive Plan it is possible to design a site plan, if it included urban paving to mitigate traffic impacts for the Saint E’s Tract that would blend new housing with the existing neighborhood.

The Saint E’s Tract has no direct access to the arterial street system. The residential street system surrounding the Saint E’s Tract consists of county gravel roads. Gravel roads are not appropriate to carry

additional traffic created by an urban subdivision. The transportation system should be upgraded to urban standards prior to any development approval being granted. In a general manner, urban residential development will increase traffic on adjacent streets, but a network of roads will disperse traffic to minimize the impact at any one location. There are concerns from neighbors that several intersections with the arterial road system are unsafe – these include S. 75<sup>th</sup> Street and Pine Lake Road; Pine Lake Road and Highway 2; and, along S. 70<sup>th</sup> Street.

The Comprehensive Plan states that public park facilities should be located within walking distance to residents. The City Parks and Recreation Department reports that there is no neighborhood park within walking distance of the area proposed for urban residential development. The Parks and Recreation Department recommends that a park meeting the standards in the Comprehensive Plan should be provided to serve this development. The Saint E's Tract is surrounded by acreages and major arterial roads. If this property were developed as a typical urban subdivision, a public park facility would be needed to serve the areas recreation needs. The Comprehensive Plan section on Community Form, page F 18 states the following:

*“A range of parks and open space, from tot-lots to ballfields, should be distributed within neighborhoods and be within walking distance of the residents.”*

### Conclusion

The Comprehensive Plan provides general guidance for land use decisions, and approval of general land use changes does not imply approval of specific development concepts. The applicant has met extensively with the surrounding property owners over the past months to discuss his development proposal and listened to the neighborhood's issues and concerns. While some specific issues have been addressed between the neighborhood and the applicant, these agreements are not included with this amendment.

The request for a change from Urban Residential to Commercial use is **not** in conformance with the goals of the Comprehensive Plan and should be **denied**. Numerous requests have been received for additional commercial use designations along Highway 2, these requests have been consistently denied in the past. Any additional commercial uses would have a significant impact to capacity of the transportation system along Highway 2. The applicant has not submitted any traffic information that would justify approval of commercial use at 84<sup>th</sup> and Highway 2.

The request for a change from Low Density Residential to Urban Residential use is in conformance with the goals of the Comprehensive Plan and should be **approved**. While there are competing statements in the Comprehensive Plan and Subarea Plan, the provision of urban infrastructure and services to the Saint E's Tract is underway and planned for inclusion in the City limits. The Saint E's Tract can be served with City water and sewer in the near term and arterial roads are currently being designed for upgrading or are identified for improvement in the current Capital Improvement Program. The change in land use designation to Urban Residential fulfills several key policies as stated in Comprehensive Plan for undeveloped land in the Tier I growth area, and maximizes the investment of existing and planned urban infrastructure.

The development of the Saint E's Tract represents many challenges. The property is located within the Tier I growth area and is under pressure to develop at a greater intensity use than currently designated in the Comprehensive Plan. The property is surrounded by acreages, and has no direct access to the arterial street system. The residential street system surrounding the Saint E's Tract consists of county gravel roads. Gravel roads are not appropriate to carry additional traffic created by an urban subdivision. The transportation system should be upgraded to urban standards prior to any development approval being granted. Balancing the goals of the Comprehensive Plan it is possible to design a site plan, if it included urban paving to mitigate traffic impacts, for the Saint E's Tract that would blend new housing with the existing neighborhood.

If approved, urban development located on the Saint E's Tract should be served by multiple access points and include paved roads to an appropriate standard to disperse traffic. Due to the likelihood of surrounding acreages subdividing over the next 25-years, the street system between the arterial road system, acreages and the Saint E's Tract should be paved to an urban standard with curb and gutter. While county asphalt paved roads may serve the area initially, the long term impact of urban traffic on this type of pavement will shorten the life expectancy of the road – causing it to be replaced sooner than expected. This would place a further financial burden on the City and taxpayers when a new road and storm sewer system would be needed. It is recommended that the “main street routes” serving the Saint E's Tract be paved to urban road standards.

The request to amend the “Southeast Lincoln/Highway 2 Subarea Plan” is in conformance with the goals of the Comprehensive Plan and should be **approved**. The proposed Planning Department amendment (**Exhibit B**) reflects the applicant's amendment for urban residential on the Saint E's Tract, without the commercial designation on the east portion of the property. While it was initially proposed by the applicant and considered by the City to extend the urban residential designation into the acreage subdivision – this amendment would only change the Low Density Residential designation on the Saint E's Tract. The City believes that this acreage subdivision will transition to a greater density over the next 25-years, and would favor the incremental subdividing of these acreages in the future. This area is shown within the City's Future Service Limit, implying the provision of urban services and annexation within 25-years. Several acreages have the potential to be annexed in the near term, due to their proximity to existing and planned infrastructure. The acreage lots surrounding the Saint E's Tract lend themselves well to further subdivision due to their large size. Also, several property owners have approached the Planning Department stating their intent to subdivide in the future. The following changes would update the Subarea Plan based upon previous actions, and the Planning Department's proposed changes included with this amendment.

On **Figure 2** the amendments to the “Southeast Lincoln/Highway 2 Subarea Plan” are as follows:

- ! Change approximately 60 acres from Low Density Residential to Urban Residential land owned by Saint Elizabeth's;
- ! Revise the location of “New Residential Street” east of S. 75<sup>th</sup> Street and west of 84<sup>th</sup> Street, north of Amber Hill Road and south of Portsche Lane;

(The following changes are from previously approved planning actions)

- ! Change from Low Density Residential to Urban Residential land use on land generally south of Beals Slough, north of Yankee Hill Road, between South 70<sup>th</sup> Street and Dunrovin Road;
- ! Change from Agricultural to Urban Residential land use on land generally south of Yankee Hill Road, between South 70<sup>th</sup> Street and 84<sup>th</sup> Street;
- ! Revise boundaries of “Park and Open Space” at approximately Ashbrook Drive and Hunter Ridge Road
- ! Revise location of “New Residential Street” west of the Pine Lake subdivision; and
- ! Revise location of “New Residential Street” along Pine Lake Road between Highway 2 and South 84<sup>th</sup> Street to show “Future Road Closing” between Westshore Drive and Eastshore Drive

**Amend the Comprehensive Plan as follows:**

1. Amend the “Lincoln/Lancaster County Land Use Plan”, figure on pages F 23 and F 25, to designate changes in land use as shown in **Exhibit B** on the following page, and change other maps accordingly;
2. Amend the “Future Parks” figure on page F 134 to show a Neighborhood Park in the general vicinity, south of Highway 2, west of 84<sup>th</sup> Street, and north of Beals Slough;
3. Amend the “Southeast Lincoln/Highway 2 Subarea Plan”, Figures 2 and 6 on pages 8 and 19, respectively, as listed above and shown on the following page; and
4. Amend the “Southeast Lincoln/Highway 2 Subarea Plan”, text on page 40 as shown below:

VI. Transportation

C. Residential

Future Needs

- As existing acreage developments are surrounded by urban development, or transition to greater residential densities by subdivision, the upgrading and improvement of key residential streets, including connections with arterial roads must be completed. Prior to development approval, these areas impacted by annexation or adjacent to new developments should have streets brought up to an acceptable standard to satisfaction of the City of Lincoln Public Works and Utilities Department.

Prepared by  
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# COMPREHENSIVE PLAN AMENDMENT NO. 04011

## PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 19, 2004

Members present: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand; Larson, Sunderman and Pearson absent.

Staff recommendation: Denial of the change from Urban Residential to Commercial; approval of the change from Low Density Residential to Urban Residential.

Duncan Ross of Planning staff submitted an email from the owner of 7740 Porsche Lane in opposition.

### Proponents

**1. Peter Katt** appeared on behalf of the applicant, **Prairie Homes and Steve Champoux**. This is an application that has been modified somewhat from its first submission. The applicant has reduced the area from a broader area surrounding the property to limit it only to the property under contract with Prairie Homes. This change was made after three meetings with the neighborhood.

This is a request to make a relatively minor change in the Southeast Lincoln/Highway 2 Subarea Plan in an attempt to take advantage of the community's investment in roads and sewer, and the current shortage of vacant lots, by allowing this tract to be brought in at more urban residential density development as opposed to low density. The developer wants to develop this site generally at an urban density of 3-4 dwelling units/acre.

In discussions with the neighborhood, the intent is to try to blend that density as it approaches the buffers of the neighbors. The discussions with the neighbors have not been completed and they will continue.

In order to have an urban density development, it needs to be connected to the city by hard surface roads. That is probably the biggest challenge to this project, but the developer expects to continue to work with the neighbors, the city and county in trying to meet that challenge.

This amendment also requests commercial along 84<sup>th</sup> & Hwy 2, but the staff is recommending denial of the commercial designation. The commercial was proposed because it is rather difficult to find residential uses that want to be next to that type of roadway and across from Walmart, etc. However, Katt stated that his client is willing to live with the staff's recommendation to continue with the urban residential. The type of urban residential development envisioned on what was proposed to be commercial will be something significantly different than single family--more along higher density townhomes to provide the buffer to the single family development along Hwy 2 and 84<sup>th</sup> Street. The applicant is in full support of the staff recommendation.

Marvin asked Mr. Katt to respond to the statement in the letter that says that the "developer's lawyer has struck fear into the hearts of many of the acreage owners". Katt stated that he did not intend to strike fear. His intent was to talk about the progression of development proposals that

happen with parcels like this in the community over time, i.e. these are the types of large parcels that over time will become more intense as they become more valuable if not planned and designated. It is his opinion as more time goes forward, it is likely that this site will seek greater higher level intensity development rather than less. The likelihood that it will ever be developed at 1 or 2 dwelling units/acre is quite remote.

### Opposition

**1. Dick Bergt**, 7600 S. 75<sup>th</sup>, testified as the representative of a 10-person committee composed of the neighbors, which committee represents approximately 55+ acreage homeowners in this area. They have had three meetings with the developer with good attendance. The committee has had one meeting with the developer to express the neighbors' concerns. The developer has responded to the neighbors by removing a share of the perimeter acreages to higher density and the neighbors are happy about that.

The transition between the neighbors' acreages (3-5 acres) and this development is a concern. Bergt showed a concept plan that was presented at the second meeting with the neighborhood. The committee and the neighbors are not in 100% agreement, but what he is representing today is probably what the majority of the neighbors agree upon. What we see are 200+ lots with 2000 trips per day on gravel roads--that is the primary issue. The neighbors have asked that the density on the perimeter be lessened, such as 1 house per every ½ acre, with minimum 100' rear property line. Another issue is the road standards. We only have right-in/right-out at Hwy 2 and 84<sup>th</sup>. Our neighborhood is going to take the brunt of people trying to come in and out. We would like to maintain the residential look and have a county road system of 22' of asphalt, but the city is recommending curb and gutter which means more money for the property owners, which the property owners do not support. We have asked the developer to at least pave the ring road.

As we discussed the uses, by and large the committee and the neighbors do support more of a commercial aspect as opposed to the higher density residential, as they believe it would be a better traffic situation.

**2. Steve Nickel**, 7941 Porsche Lane, testified as President of the **Family Acres Neighborhood Association**, which roughly covers the area that will be affected by this project. He requested the Commission's recognition of this area as a neighborhood. The neighborhood has been told that they are land that is yet to be developed, yet each neighbor has a major investment in a house sitting on that land. The neighbors understand that there are issues concerning acreages and build-through, and they are not opposed to the idea of build-through. However, they are opposed to the idea that the character of the neighborhood will change. These neighbors bought into previous comprehensive plans that indicated that this was an area that would be reserved for acreage development, and they have acted on that promise in good faith. They understand that they are labeled for low density residential which permits up to two houses per acre. At that density, the area could maintain its character as a neighborhood. The neighbors are requesting not to be forced into a color on the map that indicates high density residential. "Don't force us to provide the transition, and allow us to maintain the semi-rural character of our neighborhood." They desire the rural street section, which is not impossible with 2 houses per acre. In essence, Nickel stated that he is asking that the Commission not to change the

surrounding area from low density to high density. He would hope that these neighbors will not be punished for believing and acting on previous comprehensive plans. Leave the existing acreages out of the change and many of the neighbors will be much happier.

**3. Greg Wood**, 7900 Amber Hill Road, testified on behalf of the **Amber Hill Neighborhood Association**. He stated that the Association generally supports Mr. Nickel and Mr. Bergt's testimony, with the exception that they do not necessarily approve the commercial development unless it is office use. They would also like to see a right-in/right-out at 84<sup>th</sup> Street and would support as many access points into the development as possible. This neighborhood would like to be included and influence how the area is developed.

#### Staff questions

Carlson noted that the orange designation has been referred to as high density; however, it is not density specific. It just indicates that it would be residential and not acreage. There is no maximum lot size in the residential zoning dictated by the orange color. Duncan Ross of Planning staff agreed, but in the conversations with the neighborhood the developer has indicated R-3 type development, which would get it to 3-4 dwelling units per acre.

Carlson commented about the staff recommendation to remove the 10 acres of commercial. What about the traffic issues? Ross noted that this is in the Southeast Lincoln/Highway 2 Subarea Plan. During the development of that subarea plan, the capacity of that roadway was evaluated and the commercial land use that is creating that traffic was evaluated in regard to capacity. The subarea plan indicated that there should not be any further commercial in this corridor. We do not have any traffic information to analyze as a result of this 10 acres as far as what type of commercial use is anticipated, thus the staff recommendation of denial. Carlson believes the Comprehensive Plan also discusses not trying to strip commercial along both sides of Hwy 2. Ross concurred that to be a general comment throughout the Plan.

#### Response by the Applicant

Katt responded, stating that this is the first step in continuing to work with the neighbors and the city to bring forward a quality project of which everyone in this neighborhood can be proud. The existing neighbors would prefer a rural cross-section road connection; the city staff talks about urban cross-section streets. He reiterated that this is the first step of a process that will take some amount of time and they look forward to the opportunity and challenges.

#### **ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

May 19, 2004

Marvin moved to approve the staff recommendation, seconded by Carlson.

Marvin believes this is an appropriate use along Highway 2. He also believes that the townhomes along Highway 2 are appropriate.

In response to the neighbors not wanting curb and gutter, Bills-Strand went through this in Wilderness Ridge where the curb and gutter was added later, and she does not want anyone to have to go through that.

Carroll agrees with staff as far as the density. Increasing the traffic makes the gravel roads become a problem.



Bills-Strand used Cripple Creek as an example where the higher density residential blended in very beautifully with the urban acreages.

Motion approving the staff recommendation carried 6-0: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand voting 'yes'; Larson, Sunderman and Pearson absent.



## S 84th & Highway 2

### Proposed Applicant Amendment # 11 (Exhibit A)

- Future Service Limit
- Land Use Boundary
- Res** Land Use Category
-  From Urban Residential to Commercial
-  From Low Density Res to Urban Res



FEET  
0 500 1000 1500




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## S 84th & Highway 2

### Proposed Staff Amendment # 11 (Exhibit B)

- Future Service Limit
- Land Use Boundary
- Res** Land Use Category
-  From Low Density Res to Urban Res



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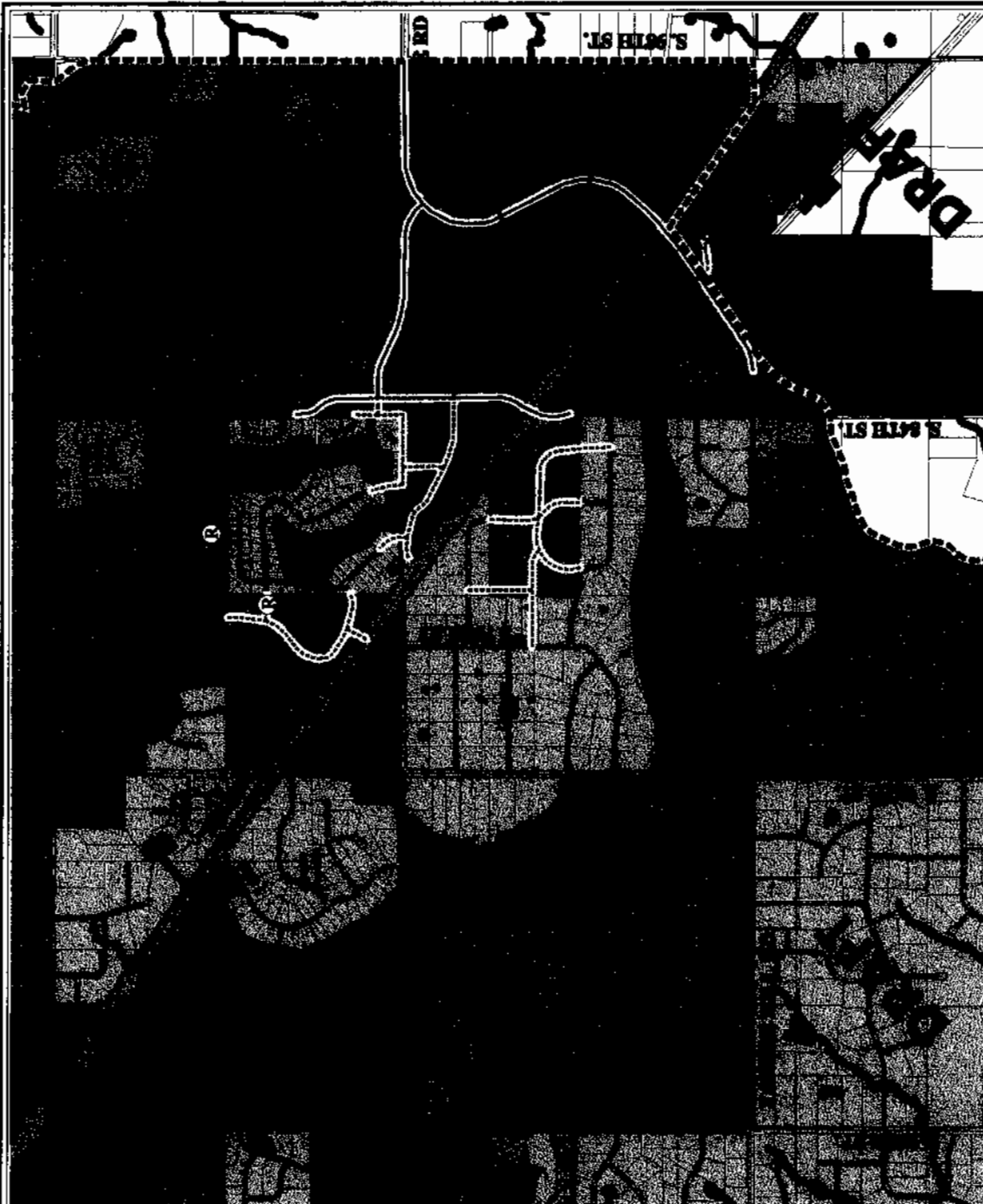
**DRAFT COMPREHENSIVE PLAN  
AMENDMENT NO. 04011  
TO SE LINCOLN HWY 2 SUBAREA PLAN**

- Urban Residential
- Special Residential Use (S.R.)
- Low Density Residential
- Commercial
- Commercial/Transition
- Industrial
- Parks and Open Space
- Public and Semi-Public
- Wetland and Water Bodies
- Natural / Environmentally Sensitive
- Agricultural
- Urban Village
- Future Service Limit
- X Future Road Closing
- New Arterial Street
- New Residential Street

**NOTES:**

New arterial and residential streets: generalized location subject to future study.

\* - See discussion in subarea plan text about future services in Cheney area.  
® Residential street connections per approved plans and conditions.



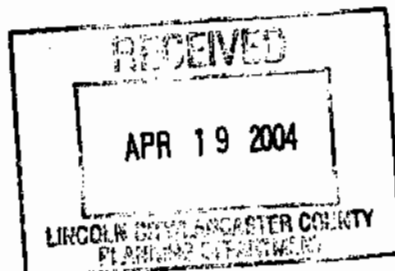
**Pierson|Fitchett**  
LAW FIRM

1045 Lincoln Mall  
Suite 200  
P.O. Box 95109  
Lincoln, NE 68509  
(402) 476-7621  
fax (402) 476-7465  
[www.pierson-law.com](http://www.pierson-law.com)

Thomas J. Fitchett  
Mark A. Hunzeker  
William G. Blake  
Peter W. Katt  
William C. Nelson  
David P. Thompson  
Patrick D. Timmer  
Randy R. Ewing  
Shanna L. Cole  
Jason L. Scott

Gary L. Aksamit  
of Counsel

April 16, 2004



Duncan Ross  
Planning Department  
555 So. 10<sup>th</sup> Street, #213  
Lincoln, NE 68508

Re: 84<sup>th</sup> & Highway 2 Comprehensive Plan Amendment - St. E's Parcel

Dear Duncan:

As a followup to last night's meeting with the neighbors surrounding the above project and my commitment to them, please consider this a request on behalf of the Applicant for the above-referenced Comprehensive Plan Amendment that the area requested to be shown as Urban Residential in the Comprehensive Plan be limited to only the St. E's Parcel.

Should you have any questions, please feel free to contact me.

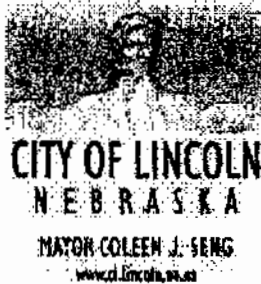
Sincerely,

Peter W. Katt  
For the Firm  
[lawkatt@pierson-law.com](mailto:lawkatt@pierson-law.com)

PWK:sb

(G:\WPData\PK\Highlands Prairie\5037.800 City Approval\Duncan 4-16-4.ltr.wpd)





# LINCOLN/LANCASTER COUNTY

2004

## COMPREHENSIVE PLAN AMENDMENT APPLICATION

*The use of this application is appropriate when a change to the adopted Lincoln/Lancaster County Comprehensive Plan is desired. The required questionnaire on the reverse side of this application must be completed as well. Applications for the 2004 Annual Review are due to the Planning Department no later than 4:30 p.m. on February 2, 2004.*

### PART I

Please print or type.

Date: February 2, 2004.

Applicant: Trustis, Inc.

Mailing Address: P.O. Box 95109

City: Lincoln State: Nebraska Zip: 68509

Phone: (402)476-7621

Contact (if not applicant): Peter W. Katt

Mailing Address: P.O. Box 95109

City: Lincoln State: Nebraska Zip: 68509

Phone: (402)476-7621

**Application Fee of \$250.00 to the City of Lincoln.**

If applicable, name of general area/location/site which would be affected by this proposed change (Attach additional sheets if necessary).

South side of Highway 2, from 75th street to 84th Street

lying North of Boone Tr. and Amber Hill Road

Applicant Signature: Peter W. Katt

Peter W. Katt #18096

Date: February 2, 2004

PLANNING DEPARTMENT USE ONLY:

RECEIPT NO. \_\_\_\_\_

DATE \_\_\_\_\_

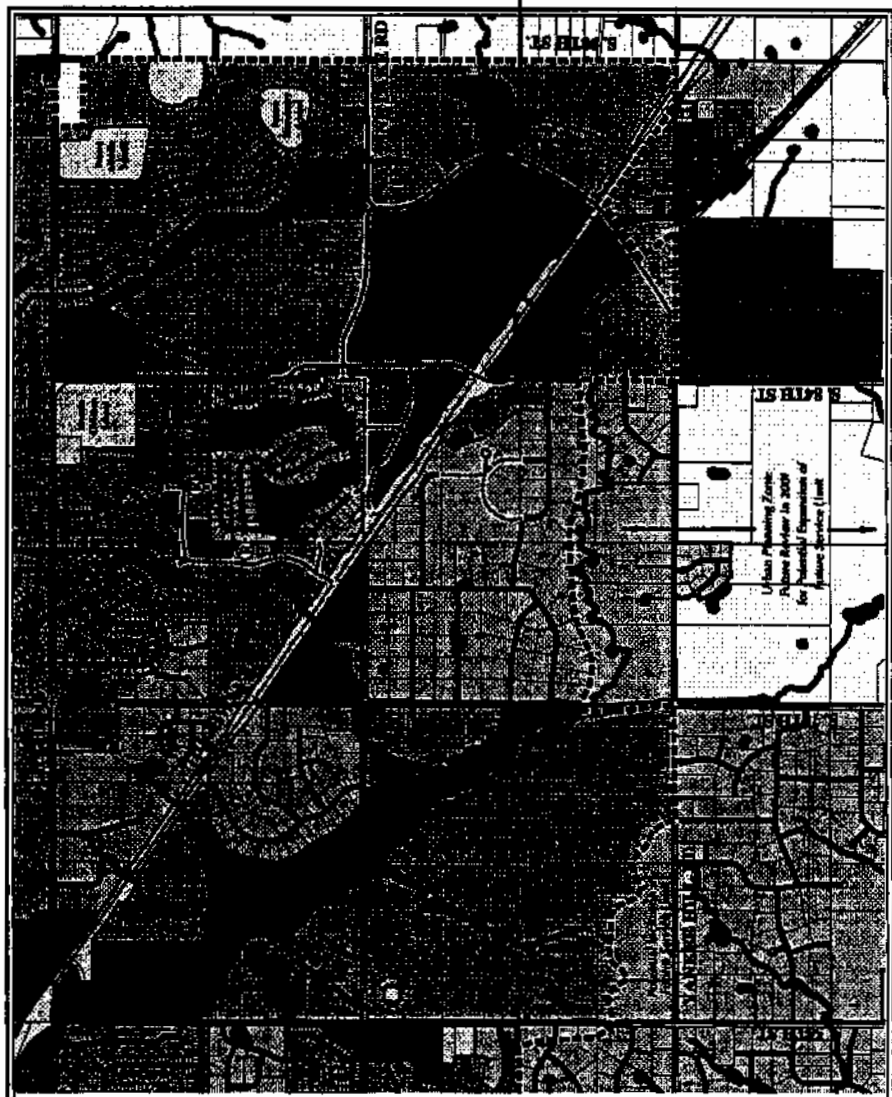
FEE PAID \$ \_\_\_\_\_

I:\PC\FORMS\CP Amendment App. Form.wpd

## **SW CORNER OF 84<sup>TH</sup> & HIGHWAY 2 QUESTIONNAIRE ANSWERS**

1. This is a proposal to amend and further refine the Southeast Lincoln/Highway 2 Subarea Plan at the southwest corner of 84<sup>th</sup> Street and Highway 2. The specific proposal is to change the designation along 84<sup>th</sup> Street from Urban Residential to Commercial Transition and for the balance of the property to be changed from low density residential to urban residential. A copy of the County Subarea Plan map is attached with the above designations indicated.
2. The applicant has entered into an agreement to acquire the large undeveloped parcel at this location from Saint Elizabeth's. The current Comprehensive Plan generally considers the urbanization of this property but fails to address any specifics as to how this property should be urbanized and brought into the City. In order to better utilize the City's existing investment in infrastructure at this location, the applicant believes the presumption should be development at urban densities, not preservation of the inefficient acreage land use. Urbanization of the Saint Elizabeth parcel cannot occur in isolation to the surrounding properties. Rather it must be master planned as a component of an overall plan that addresses the interface between it, the existing acreage development, the road network and other City infrastructure.
3. There are limited impacts on the City of Lincoln but potentially significant impacts on the adjoining acreage owners. The policy issue for the City to decide is how much to accommodate existing acreage development as opposed to maximizing the return on the community's existing infrastructure. Given the shortage of single family lots in the community and the interest in encouraging residential development along Highway 2 rather than more commercial, the applicant believes this proposal will generate a net overall benefit and improvement for the community.
4. The proposal complies with many of the community vision statements while contradicting others. The resolution of these differences depends upon which policy directive is most important to the community.
5. Unknown. Public meetings are planned for affected acreage owners during the later part of February. It is hoped these meetings will result in some greater details being developed as to this proposal and as it relates to specific zoning changes and a preliminary plat submitted for the Saint Elizabeth property.

see  
attached  
detail  
sheet



**FIGURE 2**  
**SOUTHEAST LINCOLN / HIGHWAY 2**  
**SUBAREA PLAN**

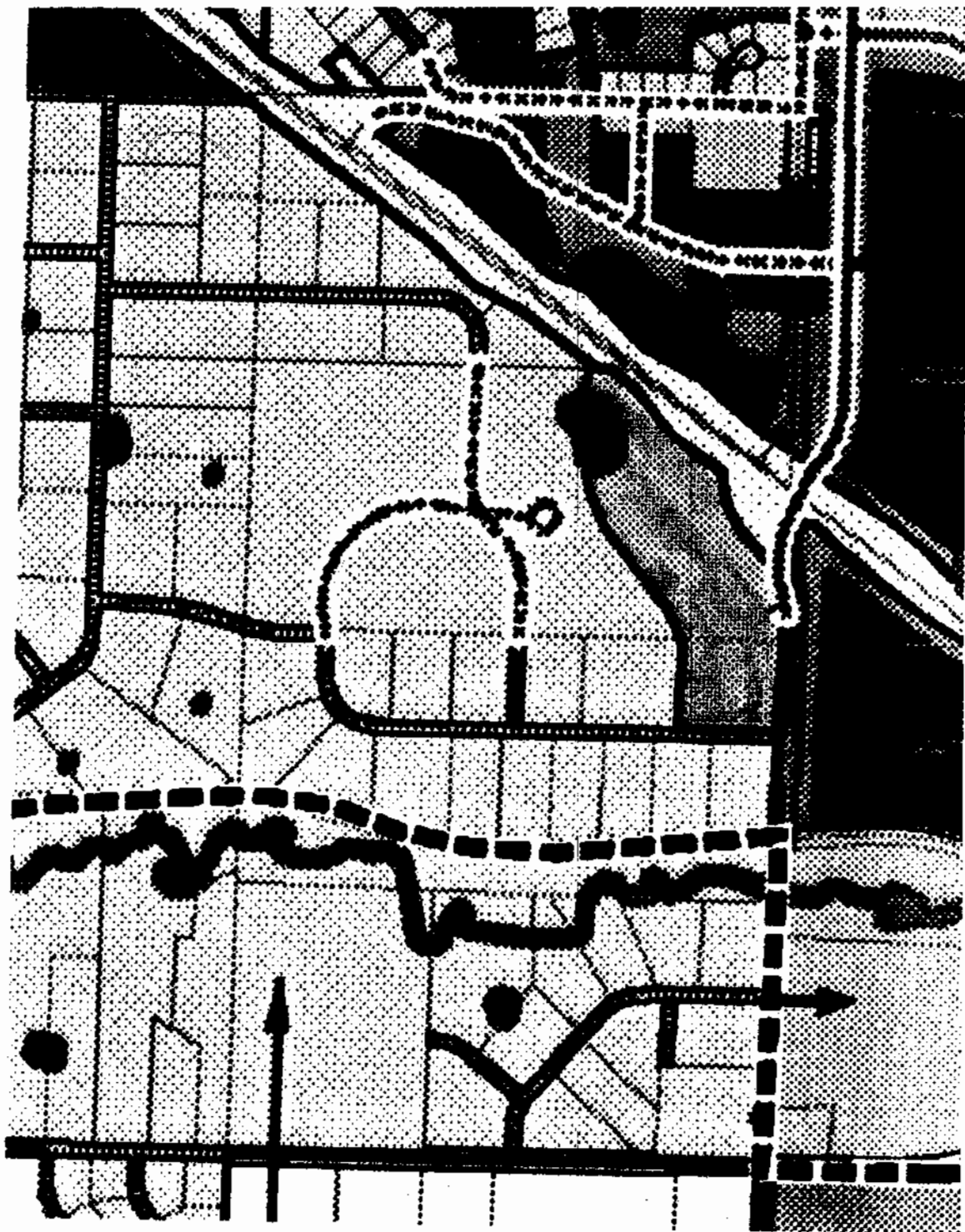
- Urban Residential
- Special Residential Use (S.R.)
- Low Density Residential
- Commercial
- Commercial Transition
- Industrial
- Parks and Open Space
- Public and Semi-Public
- Wetland and Water Bodies
- Natural/Environmentally Sensitive
- Agricultural
- Urban Village
- Future Service Lane
- Future Road Corridor
- New Arterial Street
- New Residential Street

**NOTES:**  
New arterial and residential assets generalized location subject to future study.  
\* See discussion in subarea plan text about future services in Cherry area.  
① Residential street connections yet to be resolved.



Approved March 26, 2001

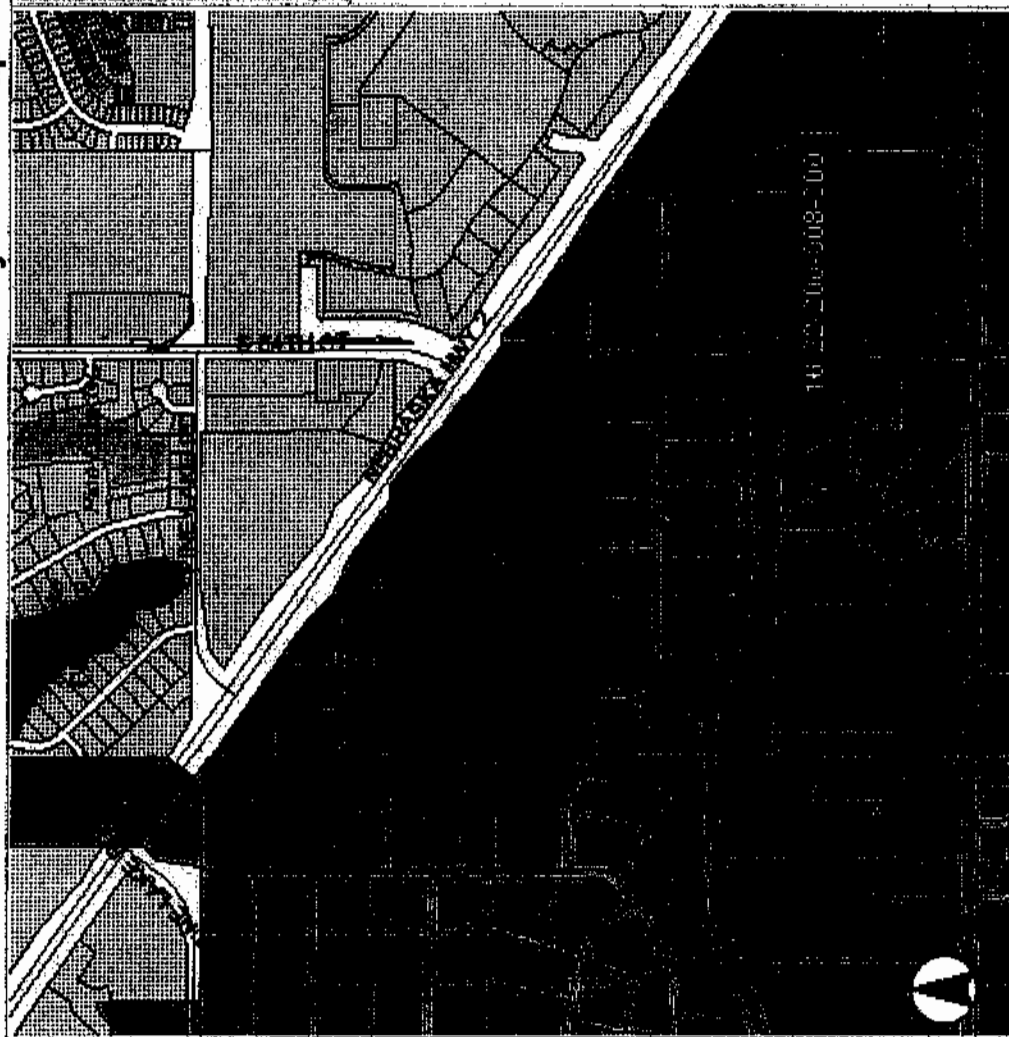
Final/complete/Approved and /with/complete/Approved



- Urban Residential

- Trans. Commercial

## Lancaster County Parcel Map



### Legend

- Lakes/Streams
- Parcels
- Major Streets
- Schools
- Parks
- City Limit
- County

### Norman H. Agena

County Assessor/Register of Deeds  
555 South 10th Street  
Lincoln, NE 68508  
402-441-7463

This map is intended to show as accurately as possible the relationship of parcels, but it is not intended to be construed as survey accurate in any manner.

021

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

**TO:** Steve Henrichsen

**DATE:** March 1, 2004

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder

**ATTENTION:**

**DEPARTMENT:** Health

**CARBONS TO:** EH File

**SUBJECT:** 2004 Comprehensive

EH Administration


Plan Review

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed 2004 comprehensive plan amendments with the following comments noted on specific proposed amendments.

**Proposed Comprehensive Plan Amendment #04010 S. 66<sup>th</sup> & Highway 2:**

The LLCHD has concerns regarding some commercial uses abutting residential zoning districts. Various commercial uses are not compatible with residential uses relative to noise pollution. This proposed Comprehensive Plan Amendment could potentially locate, through a change of zone request, commercial zoning directly north of residential zoning. Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. However, the LLCHD does have significant case history involving residential uses and abutting commercial uses in which the commercial source does comply with LMC 8.24, but the residential receptors still perceive the noise pollution as a nuisance.

**Proposed Comprehensive Plan Amendment #04011 S. 84<sup>th</sup> ST & Highway 2:**

 The LLCHD has concerns regarding some commercial uses abutting residential zoning districts. Various commercial uses are not compatible with residential uses relative to noise pollution. This proposed Comprehensive Plan Amendment could potentially locate, through a change of zone request, commercial zoning directly north of residential zoning. Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. However, the LLCHD does have significant case history involving residential uses and abutting commercial uses in which the commercial source does comply with LMC 8.24, but the residential receptors still perceive the noise pollution as a nuisance.

# Memorandum

April 7, 2004

TO: Steve Henrichsen, Planning

FR: Lynn Johnson, Parks and Recreation *Lynn Johnson*

RE: Review of Proposed 2004 Comprehensive Plan Amendments

The purpose of this memo to provide comments on behalf of the Parks and Recreation Department regarding proposed amendments to the Comprehensive Plan associated with the 2004 annual review.

**Number 04003** We endorse the request of Lincoln Public Schools to include an Executive Summary of the MGT of America, Inc. Study along with additional master planning information in the Lincoln/Lancaster County Comprehensive Plan. This would assist in ongoing efforts toward coordinated planning for community facilities and infrastructure.

**Number 04004** We endorse the proposed revisions to the Lincoln Area Current and Future Trails Network Map. In addition, we recommend that the future trail depicted along Sun Valley Boulevard between 'O' Street and Charleston Street be deleted as it duplicates the recently completed trail along the Salt Creek levee in the same area.

**Number 04005** We recommend that:

- the corridor study at 98th and Highway 2 include a grade separated trail crossing over Highway 2, as identified on the Trails Network Plan;
- the corridor study of 56 and Highway 2 include consideration of a trail connection between the Highway 2 Trail, the Old Cheney Road Trail, and the Beal Slough Trail; and
- the corridor study at 13th and Highway 2 include consideration of a trail connection and westerly extension of the Highway 2 Trail.

**Number 04009** The proposed acreage density (i.e., one dwelling unit per three acres) does not trigger the need for a neighborhood park in this area.

**Number 04010** The proposed roadway connection to South 56th Street crosses a piece of publicly owned property dedicated to the City as "park/open space". It is recommended that the City Attorney be consulted to determine the legality of extending a road through this property. We have determined that the property is not needed for active recreation (e.g., neighborhood park), and is most suitable as open space along Beal Slough.



**Number 04011** There is not a neighborhood park within walking distance (i.e., approximately ½ mile) of the area proposed for urban residential

development. We recommend that neighborhood parkland be provided at service standard of two acres per 1,000 residents as adopted within the Parks, Recreation & Open Space chapter of the Comprehensive Plan. This would allow for development of a playground and play court.

It is recommended that a future neighborhood park be added in this area.

**Number 04012**

There is not a neighborhood park within walking distance (i.e., approximately ½ mile) of the proposed urban residential development. We recommend that neighborhood parkland be provided at service standard of two acres per 1,000 residents as adopted within the Parks, Recreation & Open Space chapter of the Comprehensive Plan. The parkland could be located within the floodplain area of Stevens create consistent with the intent expressed within the Comprehensive Plan for neighborhood parks to serve multiple functions, such as storm water management.

A future neighborhood park is presently depicted for this area.

**Number 04013**

There is not a neighborhood park within walking distance (i.e., approximately ½ mile) of the area proposed for urban residential development. We recommend that neighborhood parkland be provided at service standard of two acres per 1,000 residents as adopted within the Parks, Recreation & Open Space chapter of the Comprehensive Plan.

A future neighborhood park is presently depicted for this area.

**Number 04014**

There is not a neighborhood park within walking distance (i.e., approximately ½ mile) of the area proposed for urban residential development. We recommend that neighborhood parkland be provided at service standard of two acres per 1,000 residents as adopted within the Parks, Recreation & Open Space chapter of the Comprehensive Plan.

It is recommended that a future neighborhood park be added in this area.

**Number 04015**

There is not a neighborhood park within walking distance (i.e., approximately ½ mile) of the area proposed for urban residential development. We recommend that neighborhood parkland be provided at service standard of two acres per 1,000 residents as adopted within the Parks, Recreation & Open Space chapter of the Comprehensive Plan.

A future neighborhood park is presently depicted for this area.

**Number 04018**

An undeveloped regional park site, Jensen Park, is located southeast of the intersection of So. 84<sup>th</sup> Street and Yankee Hill Road. A City communications tower is located in the southeast portion of the site. The communications tower is accessed via a service road extending along the





**Amendment 04011 — SW Corner of 84<sup>th</sup> and Hwy 2**

75% of the proposed area in this amendment is in Tier I Priority A and 25% is in Tier 1 Priority B. The proposed area in this amendment can be served by connecting to the end of the existing 15" main located at South 70<sup>th</sup> and Hwy 2 and Pine Lake Road. An outfall sewer to serve this area would need to be coordinated with sewer services to other possible development areas located south of Highway No. 2 and between So. 75<sup>th</sup> and 84<sup>th</sup> St. Right-of-way and easements thru these areas would need to be acquired and agreed upon before service could be extended. An engineering study of all the areas, the proposed area and areas in-between needs to be conducted to determine the most feasible routes and extensions necessary to provide sanitary sewer service and further identify the necessary projects and timing. Achieving the construction projects necessary to serve these areas will require sewer rate increases. These improvements require approval of the CIP in upcoming years. The cost for this 8" line and the connection to the existing line would be at the developers cost. The Theresa Street Treatment Plant has available capacity to serve this development.

**Amendment 04012 — N 84<sup>th</sup> & Adams**

The proposed area was originally part of the Regent Heights Area and thus the existing Regent Heights sewer would serve the higher portions of the area. The lower portion, that is the eastern and northeastern portions of the area, may have to be served by the future Stevens Creek Trunk Sewer. The Stevens Creek Trunk Sewer is not scheduled to reach this area, Adams Street, until 2012. Achieving the Stevens Creek Trunk Sewer Construction project as listed in the 2003-09 CIP will require sewer rate increases. These improvements require approval of the CIP in upcoming years. Sewers 8" and smaller required to serve this area will be at the Developer's expense. The Northeast Treatment Plant has available capacity to serve this development.


**Amendment 04013 — NW 12<sup>th</sup> & Hwy 34**

This proposal requests that currently designated Tier 1 Priority 'A' and 'B' areas both be connected for service. These areas can be served to the south across Kawasaki property or to the west to an existing 15" line that ends just north of NW 27<sup>th</sup> and Highway 34 and that connects to the West Highlands Trunk. LWWS prefers that if the areas is served to the west that it would be connected to the existing 15" diameter line at 27<sup>th</sup> Street just North of Hwy 34. Downstream improvements are required on the existing trunk sewer line that runs south on NW 41<sup>st</sup> St. To West Mathis St. before this area could be served. These improvements are currently identified in the 2003-09 CIP for completion in 2007. These improvements require approval of the CIP in upcoming years. Achieving the Oak Creek Trunk Sewer Construction project as listed in the 2003-09 CIP will require sewer rate increases. Sewers 8" and smaller required to serve this area will be at the Developer's expense. The Theresa Street Treatment Plant has available capacity to serve this development.

# Memo

**To:** Stephen Henrichsen - Planning  
**From:** Nick McElvain - LWS  
**Date:** March 3, 2004  
**Subject:** Comp Plan Amendment 02004

LWS has the following comments on the proposed amendments as follows:

- 4003 LPS Master Plan - No specific sites were shown, therefore LWS has no comment regarding when or how those sites could be served.
- 4004 Trails Network - LWS has no comment.
- 4005 2025 Road Improvements - LWS has no comment.
- 4006 County Future Road Improvements - As LWS seeks to serve growth areas contained in the Comp Plan, and funding for all of the necessary street improvements is uncertain, it is necessary to obtain full ROW widths early in the process, so that the water mains can be located at such a location that future taps will have the least disruption to the new paving and the traveling public.
- 4007 Category 3 Saline Wetlands - LWS has no comment.
- 4008 Update Acreage - LWS has no comment.
- 4009 S. 134<sup>th</sup> & "A" - This proposal is beyond proposed 25 year LWS service area.
- 4010 S. 66<sup>th</sup> & Highway 2 - A 12" main should be extend through this area to provide adequate service and fire protection. The exact alignment will be determined based on the final layout of the site.
-  4011 S. 84<sup>th</sup> & Highway 2 - A 12" main should be build in Amber Hill Road to provide adequate service and fire protection to this area. The distribution main in S 84<sup>th</sup> is under contract for construction this year.
- 4012 N. 84<sup>th</sup> & Adams - A 16" main from 81<sup>st</sup> to 87<sup>th</sup> is necessary to provide adequate service and fire protection to this area. This main is schedule for FYE 2007 in the current CIP.
- 4013 NW 12<sup>th</sup> & Highway 34 - A 16" main from NW12 to NW 20<sup>th</sup> is shown in the LWS Master Plan to serve this area from the Northwest Pressure District. This main is not shown in the current CIP.
- 4014 NW 70<sup>th</sup> & W. Superior - All of the comments contained in the May 22, 2002 memo from Duncan Ross to the City Council are still applicable to this area. In summary, the areas of the proposed development above elevation 1280 cannot be served by the existing system and would require a booster pump. The required 16" mains would be built in the CIP. The 12" mains would be built along with the developments, and would be subsidized by the City. None of these improvements are in the current CIP.

#### **Amendment 04010 - S. 66th and Highway 2**

This proposed amendment contains a roadway that would serve as an alternate connection between S. 56th Street and Highway 2. The alignment shown on the proposed amendment does not cross the main channel of Beal Slough, however it would still significantly impact the floodplain. The proposed roadway would cross a secondary channel, shown as floodplain on the Flood Insurance Rate Map, and essentially cut off flow to this portion of the floodplain unless a bridge type structure were to be built. Removing this secondary channel from the floodplain has the potential to impact flood elevations upstream as well as impact the overtopping frequency of S. 56th Street.

There is a proposed water quality wetland near the intersection created by the proposed roadway and S. 56th Street designated in the Beal Slough Stormwater Master Plan. The design of this wetland is currently underway as part of the S. 56th Street widening project. This area is shown as Green Space in the Lincoln/Lancaster County Comprehensive Plan, and the proposed water quality wetland and preservation of the floodplain in this area are consistent with this designation. Depending on the design, a future roadway crossing may be inconsistent with the Green Space land use designation, and could adversely affect flood heights and the proposed wetland.

#### **Amendment 04012 - N. 84th and Adams**

The eastern portion of the map for the amendment property shown in the application includes Stevens Creek floodplain and floodway, which is designated as Green Space and Environmental Resources on the Land Use Plan.

The land use designation within the floodplain should remain Green Space and Environmental Resources. An important management strategy embodied in the Comprehensive Plan is to designate areas for future development outside of the floodplain to avoid introducing new development to flood risks and to preserve the important functions of the floodplain. The floodplain along Stevens Creek is designated as Green Space and Environmental Resources in order to preserve the natural functions of the floodplain, including flood storage, conveyance and riparian habitat. The recommendations of the Mayor's Floodplain Task Force are consistent with this approach.

Additional information regarding the Stevens Creek floodplain and other watershed issues related to future urbanization is anticipated to be available following the completion of the Stevens Creek watershed study in the next year by the City and NRD.

#### **Amendment 04011 (S. 84th and Hwy 2) and 04015 (S. 70th and Yankee Hill Rd.)**



Both of the proposed amendments 04011 and 04015 are in the upper portion of the Beal Slough drainage basin. The City of Lincoln has completed a watershed Master Plan for the Beal Slough

basin and the plan has been adopted as a subarea plan in the Lincoln/Lancaster County Comprehensive Plan. New development in this basin will be expected to utilize the Master Plan models as stated in Section 2.05 of the City of Lincoln Design Standards.

Urbanization of Beal Slough has changed the volume and rate of stormwater runoff from intense storm events. The stormwater runoff rate has increased in the last 20 to 25 years by about 30% in the mid to upper portions of the basin, and by as much as 80% downstream of 27th Street. This has resulted in more frequent and damaging flooding, erosion and degradation of stream channels within the watershed.

The adopted watershed Master Plan identifies several target peak flow rates for stormwater runoff that need to be met to help reduce flooding and associated impacts in the basin. Seven subareas in the upper portion of the basin are delineated in the Master Plan. Amendment 04011 at 84th and Hwy 2 is in subarea D, and Amendment 04015 at 70th and Yankee Hill Road is in subarea E. The Plan indicates that the "implementation of regional storage within subareas A, D, E, and G could substantially contribute to reduction of...flow rates" to meet the goals of the Master Plan. Stormwater storage is an important consideration in these locations and the City and NRD continue to evaluate the opportunities for regional stormwater facilities in these areas.

*C:\WINDOWS\Temp\notes\USR.city.NC\SSSH\040422\_CPA\_Review\_Comments.wpd*

**Review of Proposed Comprehensive Plan Amendments**  
**March 4, 2004**

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**Page 10**

**Comprehensive Plan Amendment: CPA #04011**

**Proposal: South 84th Street & Nebraska Highway 2, southwest corner, change Low Density Residential to Commercial and Urban Residential**

**General Information:**

This proposed change in the land use designation from residential to commercial is expected to increase the development intensity for this location which will increase traffic planned to access this site. The proximity of this development site to Nebraska Highway 2 and 84th Street may create access issues and it is recommended that access be taken to the south and not directly from 84th Street. Available access onto 84th Street may be limited to a right-in/right-out drive. In general, staff has a concern with continuing to intensify commercial development within this highly developing commercial area without having the specifics on the transportation impacts.

**Conclusions:**

1. Intensification of commercial development within this highly developed area without having the specifics on the transportation impacts will have adverse effects on traffic operations and is not recommended.
2. Build out of the 2025 land use plan shows Highway 2 at capacity and increasing the land use intensity beyond what is in the plan will place more traffic on Highway 2 and additional improvements will be needed to accommodate this traffic.
3. Primary site access will need to be taken to the south and not directly onto 84th Street.
4. If allowed, commercial access from 84th Street will be limited to a right-in/right-out drive with an appropriate turn lane. No direct residential access will be allowed to 84th Street

**Recommendation**

Withhold the proposal to change the land use designation for this site from residential to commercial until all the transportation issues and concerns can be satisfied and staff can be assured that off-site impacts can be sufficiently addressed. If additional traffic is generated by this site it will place more traffic on Highway 2 and additional improvements will be needed to accommodate this traffic.



"Jim Iwan"  
<jlwan@ameritas.com  
>

To: dross@ci.lincoln.ne.us  
cc:  
Subject: St. Elizabeth land development

04/23/2004 02:59 PM

Sorry for the tardy response.

Dorothy and I are in the Family Acres Association and we attended the last developer - resident meeting last Thursday the 15th.

We wanted to go on record as advocating a 'sparse density' approach to any further development (outside of the Saint E's project) or sub-division of existing acreages. This density should be limited to a maximum of 2 dwellings per acre.

We also support the proposal to black top the existing gravel roads and are willing to join in a co-sharing of the cost outside of those target roads surrounding the proposed development.

Thank you for your time and attention,

Jim and Dorothy Iwan  
7605 South 75 th. st  
Lincoln, Ne 86516



"Heidi Haynes"  
<shaynes@neb.rr.com>  
>

To: <dross@cl.lincoln.ne.us>  
cc:  
Subject: St elizabeth track project

04/19/2004 07:06 AM

Duncan,

I am writing to express to you and the city planning dept. that I would like to see our neighborhood area remain the lowest density possible. I live at 7801 Amber Hill Road. At the meeting last week you asked people to email you and express their desires for the area.

My big concern is the traffic. The developer is not wanting to use Portshe Lane as an entrance to this development. Amber Hill road maybe has 30 cars that use it every day, with this development going in our traffic will increase dramatically; especially if he doesn't not use Portshe Lane.

We moved out here 10 years ago to raise our family. Yes we knew that one day the tract of land would be developed, but not to this extent and using Amber Hill Road as the main road. We have small children and we love our way of life out here. If we wanted to live on a busy street with cars speeding by all day, we would live in town. I ask you to please help the developer come up with different alternatives to access this property without using only Amber Hill Road and 84th Street.

I guess if I had my way, I'd request that the city not let him developed anything, but I know that is not logical. I'm just asking that you please keep our area the lowest density possible.

Thank you--

Heidi Haynes  
421-7496



"Greg Wood"  
<gwood@eacg.com>  
04/23/2004 01:56 PM

To: <dross@ci.lincoln.ne.us>  
CC:  
Subject:

Dear: Mr. Ross

Before I begin, thank you for participating in our neighborhood meetings and for your assistance and guidance in developing a compromise between the conflicting interest of the developer and the neighborhood, I believe you are doing a very fine job.

I am in support of preserving the rural nature of the existing acreage community. I cannot help but believe there will be a demand for inner city acreage developments in the future and that Lincoln should offer a variety of housing options. I would support restrictions on existing acreages which would limit redevelopment to a density no greater than one house per acre.

Currently I believe there is a shortage of developable land and to address these needs the City has committed to extending services into the Stevens Creek Basin. Being directly involved in the design of the sanitary sewer system for the basin, I know within a couple years the basin will be open for development.

I have experienced Lincoln's growth and have always believed Lincoln would inevitably extend into the Steven's Creek Basin. I was 2 years old when my folks moved to Lincoln in the fifties., At that time Lincoln had a land mass of about 30 square miles. Today it is over 77 square miles. With the opening of the Steven's Creek basin the land available for development could potentially increase to over 129 square miles, almost a 70 percent increase. This would drastically reduce the sense of urgency, or the need to redevelop existing acreages.

If we are going to look at redevelopment, let's look at blighted areas within the inner city which have the infrastructure in place, rather than the redevelopment of acreages which do not have city services.

Again, thank you for listening to our concerns and your patience.

Sincerely,

Greg Wood, P.E.





Paul Van De Water  
<paulv@region5systems.net>

04/16/2004 01:32 PM

To: Duncan Ross <dross@ci.lincoln.ne.us>  
cc: Bernie Heier <commish@co.lancaster.ne.us>, Ray Stevens  
<rstevens@co.lancaster.ne.us>, Terry Werner  
<twerner@ci.lincoln.ne.us>  
Subject: St. E's Property

Duncan,

Thank you for visiting with us and answering our questions at our neighborhood meeting last night (4/15/04). As acreage owners, we are very interested in **KEEPING** our area as a rural setting, as much as we can and for as long as we can. Much of the development that has transpired over the last several years along Hwy. 2 between 70th St. and the 84th area, has had an indirect impact on us - i.e. noise, lights and a huge increase in traffic on Hwy. 2. With the request that is being proposed, by Steve Shampoo (builder), to the "St. E's Property" - this would have a huge direct impact on us with traffic **THROUGH** our area. Because the **ONLY** way for residents to exit his development, is via gravel roads through our area - we ask that he would be responsible for improving those roads to asphalt (all roads between 84th & 70th - between the RR & Pine Lake Rd). We would also ask that there would be as many exits out of his area as possible - i.e. to the North (Portsche), East (84th) and several on the South (Amber Hill Rd) - this would disperse the traffic rather than it all exiting onto Amber Hill as he proposed. As you heard from our neighbors, we are all committed to keeping our area a rural setting and are not interested in what our land is worth if developed. Please leave the zoning as it currently is, to help preserve the area as a rural setting.

We would also like to be contacted when discussions are being held in regard to road widening on 70th Street and also construction of the intersection of 75th Street & Pine Lake Rd.

Thank you again for your understanding and please feel free to contact us if you should have any questions.

Sincerely,  
Paul & Kathy Van De Water  
7521 Boone Trail  
Lincoln, NE 68516  
(402) 423-3541

-----  
Region V Systems  
1645 "N" Street, Suite A  
Lincoln, NE 68508  
Phone: 402-441-4343  
FAX: 402-441-4335  
www.region5systems.net

-----  
E-Mail Confidentiality Notice: The information contained in this email is privileged and confidential. It is intended for the use of the addressee(s) indicated above. Unauthorized



"L Troy"  
<ltroy@neb.rr.com>  
04/15/2004 10:28 PM

To: <dross@ci.lincoln.ne.us>  
cc:  
Subject: St. Elizabeth Property Development

Duncan,

My husband and I own the property located just North of the pond on 75th Street. We would ask that you remove that property, along with the rest of the Clarendon Hills properties to the East of 75th Street, from the proposed zoning change for the St. Elizabeth property development. We would like the acreage's to remain zoned as they currently are.

Thank you in advance for your time and patience in this matter. We greatly appreciate your attending the meetings, taking time to explain things, and helping us to understand the Planning Commissions views on this matter.

Sincerely,

Pete and Lois Troy  
7340 South 75th Street  
Lincoln, NE 68516  
Home #: 423-7144  
Cell #: Pete - 730-7144  
Lois - 770-6446  
E-mail Address: ltroy@neb.rr.com



Kathy M Berrick  
<berrickk@juno.com>

05/19/2004 08:26 AM

To: plan@ci.lincoln.ne.us  
cc:  
Subject: Attn: Jean Walker, for plan commissioners

Dear Mary Bills-Strand, Jon Carlson, Eugene Carroll, Gerry Kreiser, Roger Larson, Dan Marvin, Melinda Pearson, Lynn Sunderman, and Tommy Taylor:

We have resided at 7740 Portsche Lane since 1994. We saved our money for many years to build our home on an acreage. Our acreage development was approved by the planning commission. We both grew up in a rural area and were looking for a location with room for our children to roam and quiet country roads. We found it in this acreage development. Before we built our home we planted over 400 seedlings to serve as a shelterbelt and to attract wildlife. Our home was built ten years ago and our neighbor's home was built only 5 years ago.

Now a builder wants to put over 200 homes on the land owned by St. Elizabeth's to the south of us. This 70 acre tract is surrounded on three sides by people who built here with the blessings of the planning commission. The developer's lawyer has struck fear into the hearts of many of the acreage owners, telling us that if we don't take this builder, we're going to get something worse. Many of the homeowners out here are elderly and on a fixed income. We are middle class people, and don't live in the trophy houses mentioned in the Journal Star. Many of us are afraid that we are going to be uprooted from our homes because of the costs associated with this project proposal. This builder needs streets to his development and all of our quiet country roads are fair game to him for his paved streets and vehicles from over 200 homes a day travelling over to 70th Street.

This development makes no sense. Why allow such high density in an area surrounded on three sides by low density country people?

Please use common sense and logic when making a decision concerning this piece of property. We invite you to take a drive in our neighborhood and put yourselves in our shoes.

Sincerely yours,  
Kathy and John Berrick  
7740 Portsche Lane  
Lincoln, NE 68516  
ph: 4290-2142

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